

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

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September 13, 2004

Andrew H. Cohn, Esquire
John W. Delaney, Esquire
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109

Re: Aquaria LLC, D.T.E. 04-76:

Dear Sirs:

Enclosed is the second set of information requests by the Department of Telecommunications and Energy regarding the referenced matter. Please submit copies of your responses to these information requests to the Department within seven days.

Should you have any questions please contact me at (617) 305-3579. Thank you for your prompt attention to this matter.

Sincerely,

Caroline M. Bulger
Hearing Officer

Enc.

cc: Service List
Mary Cottrell, Secretary

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**SECOND SET OF INFORMATION REQUESTS AND BRIEFING QUESTIONS
OF THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
TO AQUARIA LLC**

D.T.E. 04-76

Pursuant to 220 C.M.R. 1.06(6)(c), the Department of Telecommunications and Energy ("Department") hereby submits the following information requests regarding Aquaria LLC's ("Company") petition, filed with the Department on July 28, 2004 ("Petition").

- DTE 2-1 Refer to Petition at 3. Please explain the Company's reasoning that the proposed financing does not require Department approval because the financing is "a project-financing arrangement of a sort typically utilized in significant capital projects."
- DTE 2-2 Refer to Exhibit C, Affidavit of Antonio Lopez Cerdan, at 1. Please provide the names of the banks, in addition to Banco Santander Central Hispano, SA, that will be participating in the project financing arrangement. As part of this response, provide the anticipated percentage of financing that would be provided by each bank.
- DTE 2-3 Refer to Exhibit C, Affidavit of Antonio Lopez Cerdan, at 2. Please explain how the Company determined that the total loan would be between \$32 million and \$36 million.
- DTE 2-4 Refer to Exhibit C, Affidavit of Antonio Lopez Cerdan, at 2. Please explain how the Company determined that the interest rate associated with the loan would range between 4.6 percent and 8.6 percent.
- DTE 2-5 Refer to Exhibits D-1, at 1; D-3. Please explain whether the referenced Construction Loans will be on a demand basis or will have a fixed term. If the Construction Loans are expected to have a fixed term, provide the anticipated date of maturity.
- DTE 2-6 Refer to Exhibit D-1, at 3. Please provide the anticipated Fixed Rate associated with the Construction Loans, and the basis by which the Fixed Rate will be determined.
- DTE 2-7 Refer to Exhibits D-1, at 1; D-5. Please identify the "Pledgor" associated with the pledge and security agreement.

